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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/765,562 | 01/26/2004 | Daniel Yun-chak Wong | 034421-000177 | 8142 |
| 7590 | 10/03/2005 | | EXAMINER | |
| Robert E. Krebs Thelen Reid & Priest, LLP P.O. Box 640640 San Jose, CA 95164-0640 | | | PEACHES, RANDY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | | 2686 |

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|---------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/765,562 | WONG ET AL. |
| | Examiner Randy Peaches | Art Unit 2686 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/26/2005</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wan (U.S. Patent Number 6,044,069).

Regarding ***claim 1***, Wan discloses in column 6 lines 15-22, device for sending data to one or more wireless devices in a wireless network, the data being time constant digital data, the device comprising:

- a first circuit for alerting the wireless devices that the time constant digital data is to be sent. See column 7 lines 54-59 and column 21 lines 31-45;
- a second circuit for defining a frame in which the time constant digital data is to be sent. See column 8 lines 2-5; and
- a third circuit for sending the digital data to the one or more wireless devices. See column 8 lines 13-15.

Regarding ***claim 2***, Wan discloses of a device for sending data to a plurality of wireless devices in a wireless network, the data being time constant digital data, the device comprising:

- a first circuit for alerting the wireless devices that the time constant digital data is to be sent. See column 7 lines 54-59;
- a second circuit for defining a frame in which the time constant digital data is to be sent. See column 8 lines 2-5; and
- a third circuit for sending the digital data as a single data block to the plurality of wireless devices within the frame. See column 11 lines 37-41 and column 2 lines 20-28.

Regarding **claim 3**, Wan discloses of a device for sending data of a plurality of wireless devices in a wireless network, the data being time constant digital data, the device comprising:

- a first circuit for receiving an alert that the time constant digital data is to be sent. See column 21 lines 30-45;
- a second circuit for receiving parameters regarding a frame in which the time constant digital data is to be sent. See column 21 lines 45-57;
- a third circuit for receiving the digital data as a single data block to the plurality of wireless devices within the frame. See column 11 lines 37-41 and column 2 lines 20-28; and
- a fourth circuit for extracting the digital data bound for the one of a plurality of wireless devices from the single block of data via the Short page Channel (SPCH). See column 21 lines 4-14 and column 11-16.

Regarding ***claim 4***, Wan discloses of a device for receiving data of a one or more wireless devices in a wireless network, the data being time constant digital data, the device comprising:

- a first circuit for alerting the wireless devices that the time constant digital data is to be sent. See column 21 lines 30-45;
- a second circuit for defining a frame in which the time constant digital data is to be sent. See column 8 lines 2-5;
- a third circuit for polling the particular wireless device to initiate the sending of the digital data. See column 23 lines 39-59; and
- a fourth circuit for receiving the data sent from each particular polled wireless device. See column 22 lines 53-65.

Regarding ***claim 7***, Wan discloses of a device for sending data to a plurality of wireless devices in a wireless network, the method comprising:

- alerting the plurality of wireless devices to receive the time constant data. See column 7 lines 54-59; and
- sending one block of data, the one block of data comprising all of the data destined for the plurality of wireless devices. See column 11 lines 37-41.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan (U.S. Patent Number 6,044,069) in view of Joshi et al. (U.S. Patent Application Number 6,006,017).

Regarding ***claims 5 and 6***, Wan discloses a method for receiving digital data from a wireless device in a wireless network, the method comprising:

- alerting the wireless device to send the time constant data. See column 7 lines 54-59 and column 21 lines 31-45;
- polling the wireless device to send the time constant data. See column 23 lines 39-59.

However, Wan fails to clearly disclose wherein receiving a sent packet of time constant data from the particular wireless device.

Joshi et al. discloses in column 8 lines 19-37 wherein an acknowledgement is sent in response to receiving data.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Wan to include Joshi et al. in order to provide a means of acknowledging the receipt of data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D. Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Randy Peaches
September 20, 2005